



City of Albuquerque

Legislative File Number O-06-17 (version 2)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

Amending ROA 1994 of the Safe Traffic Operations Program Ordinance; to Amend Provisions to Abate the Nuisances of Danger to the Public Caused By Drivers Who Ignore and Run Red Lights and Exceed Speed Limits in the City of Albuquerque; Setting Forth the Fines for Traffic Nuisances in the City (Loy)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

AMENDING SECTIONS 7-11-1, 7-11-4 AND 7-11-5(H) R.O.A. 1994, OF THE SAFE TRAFFIC OPERATIONS PROGRAM ORDINANCE; TO AMEND PROVISIONS TO ABATE THE NUISANCES OF DANGER TO THE PUBLIC CAUSED BY DRIVERS WHO IGNORE AND RUN RED LIGHTS AND EXCEED SPEED LIMITS IN THE CITY OF ALBUQUERQUE; SETTING FORTH THE FINES FOR TRAFFIC NUISANCES IN THE CITY.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. Section 7-11-1 R.O.A. 1994, is amended to read:

“§ 7-11-1 FINDINGS AND INTENT.

(A) City Council finds that there is a significant risk to the health and safety of the community from drivers who run red lights and exceed posted speed limits. City Council finds that the City of Albuquerque has one of the highest fatality and serious injury rates in the nation resulting from red light violations and blatant disregard by drivers for existing state red light laws. Drivers in the city must progress away from the attitude that a red light is merely

a suggestion to stop. Red light violations kill far too many of our citizens. City Council finds that red light violations are a nuisance. Within the State of New Mexico, red light violations are a matter of unique local concern in Albuquerque, in part, because of high traffic volume and crowded intersections. City Council finds that the State Legislature wants municipalities to implement local traffic laws to address local problems and that the Legislature does not intend for the State of New Mexico Motor Vehicle Code to apply statewide to the exclusion of local traffic laws.

(B) City Council finds that many states and municipalities across the country have experienced substantial decreases in red light violations by using red light cameras. City Council finds that red light cameras produce scientifically reliable evidence of red light violations. City Council finds that it is reasonable for any police officer to rely on red light camera evidence even if the officer did not personally observe the violation. City Council finds that red light cameras save lives.

(C) Red light violations are a nuisance that must be abated by assessment of fines to compensate the city and taxpayers who do not commit these violations. Drivers who fail or refuse to pay the fines and repeatedly run red lights create a severe nuisance that will not be abated unless the city temporarily seizes the cars of these drivers and thus removes the instrumentality used to create this nuisance. City Council finds that the current penalty under state law for running a red light is inadequate to meaningfully address the nuisance and that the City of Albuquerque must implement meaningful civil remedial measures that will stop red light violations and save lives. Red light violations are causally connected to death and serious injury to a degree not evident with regard to other traffic infractions.

(D) The City Council finds that some drivers in Albuquerque repeatedly violate posted speed limits. City Council finds that state law against speeding is inadequate to preserve public safety in Albuquerque. City Council finds that photographic and electronic devices that measure speed are accurate and

reliable. City Council finds that implementation of enforcement of speed limits by means of photographic and electronic equipment will abate the nuisance of speeding.

(E) The City Council declares that a vehicle used to violate this article is the instrumentality of a nuisance that must be abated in the city.

(F) The City Council declares that this article is a nuisance abatement article enacted pursuant to the city's inherent authority under state law and that the remedies are purely civil and not criminal in nature.”

SECTION 2. Section 7-11-4 R.O.A. 1994, is amended to read:

“§ 7-11-4 VIOLATION.

Any violation of the New Mexico State Motor Vehicle Code or the Albuquerque Traffic Code is a violation of this Ordinance. This article does not apply to authorized emergency vehicles responding to an emergency. This article does not apply to vehicles in an intersection during a red light while involved in a Police Officer controlled funeral procession, with a parade permit allowing same or when responding to a Police Officer directing traffic.”

SECTION 3. Section 7-11-5(H) R.O.A. 1994, is amended to read:

“(H) *Fine*. The date of a violation is the effective date. If the registered owner or nominee requested a hearing and did not prevail, the date of the violation is the effective date. The fine for the first violation for running a red light is \$100. The fine for a second violation for running a red light within two years from the date of the first violation is \$250. The fine for a third or subsequent violation for running a red light within two years from the date of the first violation is \$500. The fines for speeding are as follows:

(1) Up to and including ten miles per hour over the speed limit: \$100.

(2) From eleven up to and including fifteen miles per hour over the speed limit: \$150.

(3) From sixteen up to and including twenty miles per hour over the speed limit: \$200.

(4) From twenty-one up to and including twenty-five miles per hour over speed limit: \$250.

(5) From twenty-six up to and including thirty miles per hour over the speed limit: \$300.

(6) From thirty-one up to and including thirty-five miles per hour over the speed limit: \$350.

(7) More than thirty-five miles per hour over the speed limit: \$400.
The Mayor may promulgate regulations instructing the Department to waive fines for minimum speed violations from time to time in specific locations. The fine for any violation not listed above shall be \$500.

SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 5. COMPILATION. Sections 1 through 3 of this ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.

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